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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,195	03/01/2000	Allen W Stichter	STICHTER 3	3419

7590 11/25/2005
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK, NY 10166

EXAMINER

GHULAMALI, QUTBUDDIN

ART UNIT	PAPER NUMBER
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2637

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,195

Applicant(s)

STICHTER, ALLEN W

Examiner

Qutub Ghulamali

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under, *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-21, 25-31, 35-49, and 53 is/are rejected.
- 7) ☒ Claim(s) 10-12, 22-24, 32-34, 50-52 and 54-56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the Amendment filed on 02/02/2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 13, 14-16, 17, 18-20, 25-30, 37, 39, 43, 44, 46 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Read et al (US Patent No. 6,236,623).

Consider claims 1, 8, 13, 14-16, 17, 20, 25-28, 30, 37, 43, 44, 46, 48 and 53, Read substantially discloses (fig. 2) every feature of the claimed invention: a synchronization of clocks in a plurality of devices connected by a communication channel, a master control device 12 having a first clock is coupled to one or more slave control 14 devices having a second clock, sending a first message from the master clock 12 to the slave control 14 comprising a first transit time T_1 of $(T_{p1}+T_{c1})$, receiving a second message from the clock slave 14 the second message comprising a second transit time T_2 of $(T_{p2}+T_{c2})$, obtaining a second transit time T_2 at the clock slave 14 a second transmit (reception) time of the second message, calculating a transmission delay (loop communication delay) between the clock slave and clock master from the first and

second reception times (T_{c1} , T_{c2}) and the first and second transmission times (T_{p1} , T_{p2}), the total loop communication delay is monitored in reference to the master clock circuitry 18 and/or the master time 22 and measured (calculated), essentially the delays are identical in both directions across the communication path 16 (from master to slave or from slave to the master), the loop communication delay (T_1+T_2) is divided by 2 to compute an average delay, and applying the average delay to compensate for the known time setting errors for each of the slave clocks; a slave communication controller is responsive to a synchronization signal sent from the master control device across the communication channel, used in conjunction with an associated time delay value in the offset register, to cause the slave time to essentially synchronize with the master time (col. 2, lines 43-62; col. 5, lines 37-67 and col. 6, lines 20-55), wherein the controller is a programmed processor (microcomputer) (col. 1, lines 55-60). The disclosure in Read however, is directed to a method for synchronizing the clocks of a plurality of slave devices by the master control device. The synchronization could equally be applied by the slave to the clock master as disclosed by Read and since the communication is bi-directional with delays that are essentially identical in both directions across the communication path 16, synchronization between the clock master and the clock slave is achieved by periodic commands from the master control device 12 to the slave which can equally be applied. Given that, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use slave to control the master clock so as to achieve synchronization between clocks as disclosed by Read.

Regarding claims 2, 5, 6, 7, 18 and 29, Read discloses, depending upon the number of slave devices 14, the interrogation of each slave device can occur multiple times within a predefined one second interval (col. 7, lines 20-23).

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Regarding claims 3, 4, and 19, Read discloses synchronizing the slave clock to the master clock using stored (accumulated) delay (col. 7, lines 4-9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 21, 31, 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read et al (US Patent No. 6,236,623) in view of Voth (US Patent 6,199,169).

Regarding claims 9, 21, 31, 45 and 49, Read discloses all of the claim limitations except “sliding window comprises a first threshold representing a best delay and a second threshold representing a maximum allowable difference from the best delay, wherein the best delay represents a calculated transmission delay with a smallest delay in comparison to other calculated transmission delays”. Voth in a similar field of endeavor discloses a first threshold representing a best delay and a second threshold representing a maximum allowable difference from the best delay, wherein the best delay represents a calculated transmission delay with a smallest delay in comparison to other calculated transmission delays (col. 6, lines 38-53; col. 10, lines 8-55). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use clock update having delays in signal communication between devices as taught by Voth in the system of Read

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because it can provide synchronization in system clocks with tolerance towards error and drift.

6. Claims 35, 36, 38, 40-42, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read et al (US Patent No. 6,236,623) in view of Lundh et al (US Patent 6,373,834).

As shown in figures 1, 6A-C, 11A-C, 12 and 13, Read discloses synchronization, in a telecommunication network 20, between a master timing (clock) unit and a slave timing (clock) unit located at e.g., base station 22 of the network, performing synchronization analysis to determine a synchronization adjustment value for the slave timing unit, with the master timing unit located in a control node such as a RNC (col. 4, lines 34-36), determines whether the addressed slave timing unit respond within a predetermined time-out window, response messages with the best (lowest) round-trip delay time one having median or average values chosen for the subsequent computations (col. 13, lines 27-29 and col. 14, lines 34-42; see also column 3, lines 15- 67 and column 4, lines 1-14, col. 8, lines 13-18). Read however, makes no reference to employing the CDMA telecommunications system within the network. Lundh, in a similar field of endeavor discloses employing the CDMA telecommunications network system for facilitating an accurate and reliable technique for synchronization of clock timing units, such as timing units at base stations. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use clock synchronization communication by employing the CDMA telecommunications as taught by Lundh in the network of Read so as to provide reliable clock synchronization accuracy (time) between the master and the slave.

Allowable Subject Matter

7. Claims 10-12, 22-24, 32-34, 50-52, 54-56 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 02/02/2005 have been fully considered but they are not persuasive. Applicant traverses the rejection by mainly arguing that the cited references Read et al (US Patent No. 6,236,623), fails to teach the limitations of claims 1-8, 13, 14-16, 17, 18-20, 25-28, 29, 37, 46, and 48. However, the examiner respectfully disagrees:

In response to applicant's argument that with reference to claims 1, 13, 14-16, 17, 18-20, 25-28, 29, 37, 43, 46, and 48, the examiner respectfully like to draw applicant's attention to col. 2 lines 35-45, that clearly discloses that each acknowledgement signal (message) is characterized (contains) time delay (time information) corresponding to each slave control device. Read also discloses in affirmative that such a system is particularly useful in precisely determining the time that events occur at one or more of the slave control devices when the master control device *receives* time-stamped event messages (time information) from other devices (col. 2, lines 51-55). Therefore the messages (first, second and so forth must contain the time values in order for the slave devices to respond to provide synchronization between devices communicating with each other (master to slave to master).

As per applicant's argument regarding 35 U.S.C 103 rejection to claims 35, 36 38, 40-42 and 47, Read in combination with Lundh, therefore, does disclose the claim limitations recited in claims 35, 36 38, 40-42 and 47, making this argument mute.

Based on the above rational, it is believed that the limitations of independent claims 1, 17, 25, 43, 46, 47, 48 and 53 and dependent claims 2-9, 13-16, 18-21, 26-31, 35-42, 44, 45, and 49 each include features which are similar to those discussed above is met by reference to Read (US Patent No. 6,236,623) and Lundh (US Patent 6,373,834) and Voth (US Patent 6,199,169). Therefore the rejection to claims 1-9, 13-21, 25-31, 35-45, 46-49 and 53 is maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

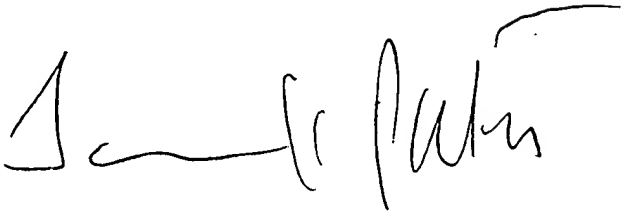
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014.

The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.
June 27, 2005



JAY K. PATEL
SUPERVISORY PATENT EXAMINER